

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**In Re: Methyl Tertiary Butyl Ether
("MTBE")
Products Liability Litigation**

This document pertains to:

*New Jersey Department of Environmental
Protection, et al. v. Atlantic Richfield
Company, et al.,*

Case No. 08-cv-00312

**Master File No.: 1:00-1898
MDL 1358 (SAS)
M21-88**

**MEMORANDUM OF LAW IN SUPPORT OF
THIRD PARTY DEFENDANT, H.P. DELTA, INC'S
NOTICE OF MOTION FOR SUMMARY JUDGMENT**

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On behalf of the Third Party
Defendant, H.P. Delta, Inc.

Third-Party Defendant, H.P. Delta, Inc., relies upon and incorporates herein by reference the arguments set forth in the brief and supporting documentation filed by Third-Party Defendant, Dhandi Transport, Inc. in support of its motion for summary judgment. The arguments and evidence cited therein proves that there is no evidence linking the contamination complained of in the above referenced matter with regard to the H.P. Delta site to Third-Party Defendant, H.P. Delta, Inc. Therefore, it is respectfully submitted that summary judgment should be granted in favor of Third-Party Defendant, H.P. Delta, Inc., thereby dismissing the claims asserted by Defendant, Getty Properties Corp. and Third-Party Defendant, H.P. Delta, Inc.

Respectfully submitted,

Dated: December 6, 2013

/s/ Stuart J. Lieberman
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